UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. §133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 December 2006</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-38 are pending.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Patent Application Number 2004/0268314 issued to Guy Pardon et al

("Pardon") in view of US Patent Number 6,671,686 issued to Michael Dieter

Kollman et al ("Kollman") in view of US Patent 6,748,555 issued to Hugh A.

Teegan et al ("Teegan").

As per claim 1 Pardon teaches:

an application server comprising one or more applications, each application comprising

one or more processes operable to generate one or more database calls (column 4,

lines 8-14, server processes and database calls).

Pardon does not explicitly teach an analyzer component operable to correlate ... a

first database call and a second database call generated by one of the processes with

the particular process that generated the database call, monitor one or more

parameters associated with the first database call, monitor one or more parameters

associated with the second database call, analyze the one or more parameters of the

first database call and the second database call, and a first identifier of the first

database call, a second identifier of the process that generated the first database call

and one or more of the one or more parameters associated with the first database call.

3.   Kollman does teach an analyzer component operable to correlate in

substantially continuously real time a first ... call and a second ... call generated by one

of the processes with the particular process that generated the ... call, monitor one or

more parameters associated with the first ... call, monitor one or more parameters

associated with the second ... call and analyze the one or more parameters of the first ..

call and the second ... call (paragraph 38-45 and paragraph 55, correlator), monitor

substantially continuously the one or more parameters associated with the first

database call and the second database call (paragraphs 38-45 and paragraph 55, as a

generic correlator which identifies events including context data such as SOAP

parameters);

and a first identifier of the first ... call (paragraph 11, event id);

a second identifier of the process that generated the first ... call (paragraph 47, process

identifier) and one or more of the one or more parameters associated with the first ...

call (paragraph 11, temporal identifier) to manage data (paragraph 10, lines 1-3). It

would have been obvious to one of ordinary skill in the art at the time of the invention to

modify Pardon with analyzer component ... to manage data (paragraph 10, lines 10).

Pardon and Kollman do not explicitly teach display to a client. Teegan does teach

display to a client at column 11, lines 8-16) to provide visual confirmation of operation

(column 11, lines 8-16). It would have been obvious to one of ordinary skill in the art at

the time of the invention to modify Pardon and Kollman with a display to a client to

provide visual confirmation of operation (column 11, lines 8-16).

Pardon, Kollman and Teegan do not explicitly teach monitoring substantially

continuously the one or more parameters ... Tacaille does teach monitoring

substantially continuously the one or more parameters (column 6, lines 33-41 as

processes collect parameter values and column 8, lines 54-60 as real time service

monitoring including performance data) to provide efficient real-time performance

monitoring. It would have been obvious to one of ordinary skill in the art at the time of

the invention to combine Pardon, Kollman, Teegan and Tacaille with monitoring

substantially continuously the one or more parameters to provide efficient real-time

performance monitoring (column 2, lined 33-36).

As per claim 2, same as claim arguments above and Kollman teaches:

identify one or more of the first parameters included in the first ... call (paragraph 38-

45);

identify one or more process parameters associated with the particular

process(paragraph 11, temporal id);

determine whether the ... call correlates with the process by comparing at

least one of the first parameters associated with the first ... call to at least one

corresponding process parameter associated with the process to determine if the

process generated the first ... call (paragraph 76, lines 10-22) .

As per claim 3 same as claim arguments above and Kollman teaches:

further comprising an interceptor intercept the first ... call generated by the process

and communicate the one or more first parameters associated with the first ... call to the

analyzer component (paragraph 67 lines 10-22).

As per claim 4 same as claim arguments above and Kollman teaches:

intercept the particular process and communicate the one or more process parameters

associated with the process to the analyzer component(paragraph 67 lines 10-22).

As per claim 5 same as claim arguments above and Kollman teaches:

wherein each of the one or more processes comprises a Java method and the insider

component is operable to communicate process parameters for each Java method in a

Java method call tree to the analyzer component (paragraph 30, Java).

As per claim 6, same as claim arguments above and Pardon teaches:

wherein the one or more database calls comprise SQL calls and, for a particular SQL

call, the one or more parameters associated with the particular SQL call comprise: a

SQL statement of the particular SQL call, a SQL execution time for the particular SQL

call, one or more SQL exceptions of the particular SQL (column 9, lines 16-17, invoking

SQL statements).

As per claim 7, same as claim arguments above and Kollman teaches:

wherein, for a particular process the one or more process parameters associated with

the particular process comprise a timestamp and a thread of execution for the particular

process(paragraph 41: threaded, paragraph 62:temporal id, paragraph 63: local

timestamp) .

As per claim 8, same as claim arguments above and Kollman teaches:

wherein the analyzer component is further operable to compare the timestamp and the

thread of execution for the SQL call to a corresponding timestamp and the thread of

execution for the process to determine whether the process generated the SQL call;

and if the timestamp and the thread of execution for the SQL call matches the

corresponding timestamp and the thread of execution for the process , conclude that the

method generated the SQL call (paragraph 10-18).

As per claim 9 same as claim arguments above and Teegan teaches:

... displays first identifiers of ... calls and second identifiers of the processes that

generated the ... calls to the client in substantially real time(column 11, lines 8-16,

management console displays alerts and metrics (column 15, lines 50-60, displaying

metrics and metric tables 2-5).

As per claim 10, same as claim arguments above and Teegan teaches:

...display an alert notification to the client if one of the parameters associated

with the first or second ... call exceeds a predetermined threshold value (at column 11,

lines 54-62, generate alerts to system administrator).

As per claim 11, same as claim arguments above and Teegan teaches:

wherein the analyzer component is further operable to display a management console

to the client on a browser associated with the client, the management console

presenting a view of the displayed information (column 11, lines 8-16, management

console displays alerts and metrics).

As per claim 12, same as claim arguments above and Teegan teaches:

the management console is operable to display multiple second identifiers of processes

... display: a first identifier of a database call ... and at least one of the parameters for

each database call determined to correlate to the process associated with the selected

second identifier (column 15, lines 50-60, displaying metrics and metric tables 2-5).

4.   Claims 13-24 are rejected based on the same rationale as claims 1-12.

5.   Claims 25-36 are rejected based on the same rationale as claims 1-12.

6.   Independent claim 37 and independent claim 38 are rejected based on the same

rationale as claim 1.

Response to Arguments

7.   Applicant's arguments with respect to claims 1-38 have been considered but are

moot in view of the new ground(s) of rejection.

8.   Applicant argues prior art of record does not teach monitor substantially

continuously the one or more parameters associated with the first database call and the

second database call. The specification on page 12, lines 6-9, indicates data flows are

substantially continuously being generated by clients (or spontaneously) such that the

interceptor component is substantially continuously intercepting SQL calls and

communicating parameters of the intercepted call to the analyzer. Kollman teaches

monitoring substantially continuously at paragraphs 38-45 and paragraph 55, as a

generic correlator which identifies events including context data such as SOAP

parameters. The process of identifying the events are monitored substantially

continuously.

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Contact Information

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Susan Rayyan whose telephone number is (571) 272-

1675. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone

number for the organization where this application or proceeding is assigned is

703-872-9306.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Rayyan

February 23, 2007

JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
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